REMARKS

Claims 1 to 20 remain pending.

§ 103 Rejections

Claim 1

The Examiner rejected claim 1 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. App. Pub. No. 2002/0172417 ("Nicolas") in view of U.S. Pat. App. Pub. No. 2003/0035592 ("Cornog et al.") and further in view of U.S. Pat. App. Pub. No. 2004/0028271 ("Pollard et al."). The Examiner cited Nicolas for disclosing the preamble and all but the fifth claim element. Below Applicant shows that the references when combined do not teach or suggest each and every claim limitation, and there is no reason, suggestion, or motivation to combine the references in the manner suggested by the Examiner.

Nicolas

The Examiner cited Nicolas, paragraph [0033], for disclosing the preamble, which recites a method for color matching a first image and a second image where a first region of the first image and a second region of the second image overlap. December 29, 2009 Office Action, p. 2. Nicolas, paragraph [0033], discloses that a first set of pixels is selected from an image and two histograms are generated from the pixels and compared to determine if the pixels represent texture or flat surface. Nicolas does not disclose a method for color matching overlapping images.

The Examiner cited Nicolas, paragraphs [0030] and [0031], for disclosing the first and the second claim elements, which recite generating two histograms from two overlapping regions between two images. Nicolas, paragraph [0030], discloses generating a first histogram from luminance values of a first set of pixels. Nicolas, paragraph [0031], discloses generating a second histogram for a subset of the first set of pixels each having luminance value higher than its neighbors by a predetermined threshold. Thus, the two histograms are generated from the same pixels. Nicolas thus does not disclose the first and the second histograms are generated from two overlapping regions between two images.

The Examiner cited Nicolas, paragraph [0033], for disclosing the third claim element, which recites determining corresponding pixel values from two histograms. As described above, Nicolas,

paragraph [0033], discloses that two histograms are generated from a first set of pixels and compared to determine if the pixels represent texture or flat surface. In Nicolas, two histograms are compared to determine a difference if one histogram is higher or the same as the other histogram. Nicolas, paragraphs [0037] and [0038]. Nicolas does not disclose determining corresponding pixel values from the two histograms.

The Examiner cited Nicolas, paragraph [0068] for part of the fourth claim element, which recites determining at least one parameter that best matches the corresponding pixel values (from two histograms). Nicolas, paragraph [0068], discloses an image display apparatus 300 having a receiving means 302 for a video and an image processing apparatus 100 for processing the video; the receiving means 302 is able to extract the type of a scene in the video (e.g., a football match). As described in paragraph [0067], the scene information is used to set the thresholds for selecting the first set of pixels used to generate two histograms used to determine if the pixels represent texture or flat surface. Nicolas does not disclose determining a parameter that best matches the corresponding pixel valued determined from two histograms.

Cornog et al. and Pollard et al.

Cornog et al. and Pollard et al. does not cure the deficiencies of Nicolas described above.

Suggestion or Motivation to Combine Nicolas, Cornog et al., and Pollard et al.

Nicolas discloses a method for improving an image by removing noise from an image. Nicolas, paragraphs [0059] to [0067]. The method includes determining a first set of pixels in the image that are in a predetermined range of color values, generating a first histogram of the first set of pixels, generating a second histogram of a second set of pixels selected from the first set that each has a color value greater than a neighboring pixel by a predetermined threshold, comparing the first and the second histograms to determine the classification for the first set of pixels, and reducing the noise the image according to the classifications of the pixels. Nicolas, paragraphs [0059] to [0067]. Nicolas simply does not color match two image where two regions of the images overlap. Thus, there is no reason to modify Nicolas with Cornog et al. or Pollard et al. to color match using an optoelectronic conversion function (OECF).

For all of the above reasons, claim 1 is patentable over Nicolas, Cornog et al., and Pollard et al.

Claims 16

Claim 16 recites similar limitations as claim 1 and it is patentable for at least the same reasons as claim 1.

Claims 2 to 3, 11 to 13, and 16

Claims 2 to 3, 11 to 13, and 16 depend directly or indirectly from claim 1 or 16, and they are patentable for at least the same reasons as claims 1 and 16.

Allowable Subject Matter

The Examiner indicated that claims 5 to 10, 14, 15, and 17 to 20 are allowable if rewritten in independent form including all of the limitations of their base claims and any intervening claims. Applicant has not amended these claims to independent form because Applicant believes that their base claims are patentable over the cited references.

Summary

Claims 1 to 20 remain pending. For the above reasons, Applicant respectfully requests the Examiner to withdraw the claim rejections and allow claims 1 to 20. Should the Examiner have any questions, please call the undersigned at (408) 382-0480.

I hereby certify that this correspondence is being transmitted prior to expiration of the set period of time by being transmitted via the Office electronic filing system in accordance with § 1.6(a) (4).

/David C Hsia/ — Signature

May 20, 2010 — Date

Respectfully submitted,

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